

2. Upon a finding that a financial institution has committed a violation of either section 535A.2, ~~535A.4~~, or 535A.9 the court may award actual damages, court costs, and attorney fees.

Sec. 4. Section 535A.7, Code 2009, is amended to read as follows:

**535A.7 Criminal penalty.**

Any person who knowingly engages in a practice which violates the provisions of section 535A.2, ~~535A.4~~ or 535A.9 is guilty of a serious misdemeanor.

Sec. 5. REPEAL. Sections 535A.4 and 535A.5, Code 2009, are repealed.

Approved April 7, 2010

## CHAPTER 1115

### PERIODIC EVALUATIONS OF AIR QUALITY STANDARDS

H.F. 2418

**AN ACT** relating to periodic evaluations of certain air quality standards.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 455B.134, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Convene meetings not later than June 1 during the second calendar year following the adoption of new or revised federal ambient air quality standards by the United States environmental protection agency to review emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source as provided in section 455B.133, subsection 4. By November 1 of the same calendar year, the department shall submit a report to the governor and the general assembly regarding recommendations for law changes necessary for the attainment of the new or revised federal standards.

Sec. 2. **AIR QUALITY RECOMMENDATIONS.** The department of natural resources shall convene meetings as necessary to develop recommendations for the establishment of state implementation plans sufficient to control the direct emissions of particulate matter with an aerodynamic diameter of less than or equal to two and one-half micrometers and emissions of precursor compounds that contribute to the formation of particulate matter with an aerodynamic diameter of less than or equal to two and one-half micrometers and to prevent ambient concentrations from exceeding the federal ambient air quality standards for particulate matter with an aerodynamic diameter of less than or equal to two and one-half micrometers in all areas of the state. By January 1, 2011, the department shall submit a report with recommendations to the governor and the general assembly. The report shall include recommendations necessary to meet the provisions of this section.

Approved April 7, 2010

**CHAPTER 1116****WATERSHED MANAGEMENT AND PLANNING***H.F. 2459*

**AN ACT** relating to watersheds.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. **466B.10 Watershed planning advisory council.**

1. A watershed planning advisory council is established for purposes of assembling a diverse group of stakeholders to review research and make recommendations to various state entities regarding methods to protect water resources in the state, assure an adequate supply of water, mitigate and prevent floods, and coordinate the management of those resources in a sustainable, fiscally responsible, and environmentally responsible manner. The advisory council may seek input from councils of governments or other organizations in the development of its recommendations. The advisory council shall meet once a year and at other times as deemed necessary to meet the requirements of this section. The advisory council may appoint a task force to assist the advisory council in completing its duties.

2. The watershed planning advisory council shall consist of all of the following members:

a. The voting members of the advisory council shall include all of the following:

- (1) One member selected by the Iowa association of municipal utilities.
- (2) One member selected by the Iowa league of cities.
- (3) One member selected by the Iowa association of business and industry.
- (4) One member selected by the Iowa water pollution control association.
- (5) One member selected by the Iowa rural water association.
- (6) One member selected by growing green communities.
- (7) One member selected by the Iowa environmental council.
- (8) One member selected by the Iowa farm bureau federation.
- (9) One member selected by the Iowa corn growers association.
- (10) One member selected by the Iowa soybean association.
- (11) One member selected by the Iowa pork producers council.
- (12) One member selected by the soil and water conservation districts of Iowa.
- (13) One person representing the department of agriculture and land stewardship selected by the secretary of agriculture.

(14) One person representing the department of natural resources selected by the director.

(15) Two members selected by the Iowa conservation alliance.

(16) One member selected by the Iowa drainage district association.

b. The nonvoting members of the advisory council shall include all of the following:

(1) Two members of the senate. One senator shall be appointed by the majority leader of the senate and one senator shall be appointed by the minority leader of the senate.

(2) Two members of the house of representatives. One member shall be appointed by the speaker of the house of representatives and one member shall be appointed by the minority leader of the house of representatives.

3. By December 1 of each year, the watershed planning advisory council shall submit a report to the governor, the general assembly, the department of agriculture and land stewardship, the department of natural resources, and the water resources coordinating council. The report shall include recommendations regarding all of the following:

a. Improving water quality and optimizing the costs of voluntarily achieving and maintaining water quality standards.

b. Creating economic incentives for voluntary nonpoint source load reductions, point source discharge reductions beyond those required by the federal Water Pollution Control Act, implementation of pollution prevention programs, wetland restoration and creation, and the development of emerging pollution control technologies.

c. Facilitating the implementation of total maximum daily loads, urban storm water control programs, and nonpoint source management practices required or authorized under the federal Water Pollution Control Act. This paragraph shall not be construed to obviate the requirement to develop a total maximum daily load for waters that do not meet water